IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 15565 of 2004

Between:

N.Yanadaiah, S/o.China Venkata Subbaiah,
R/o.Saduvaripalem Village, Jarugumalli Mandal, Prakasam Dist.

..... PETITIONER

AND

1 The Joint Collector, Ongole, Prakasam Dist.
2 The R.D.O.,Kandukur, Prakasam Dist.
3 The Mandal Revenue officer, Jarugumalli Mandal, Prakasam Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ order or direction more particularly one in the nature of writ of Mandamus, to declare the impugned proceedings dt.26-8-2004 in Rc.CS2/3061/2004 rejecting to grant stay of the orders of the proceedings of the 2nd respondent dt.16-8-2004 in Rc.F/1967/2004 as illegal, arbitrary, unjust and consequently direct the respondent No.1 herein to hear and dispose off the appeal expeditiously and to grant such other relief or reliefs as this Hon'ble court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: SMT.KAVITHA GOTTIPATI

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court made the following <u>ORDER:</u>

Petitioner is the authorised Fair Price Shop Dealer of Sadhuvaripalem village, Jarugumalli Manda, Prakasam District. His authorisation has been suspended by the second respondent-Revenue Divisional Officer, Kandukur, by proceedings dated 16-08-2004 on the ground of alleged irregularities in distribution of Essential Commodities. Petitioner preferred an appeal before the first respondent-Joint Collector, Prakasam District on
20-08-2004. The first respondent-Joint Collector having entertained the appeal by order dated 26-08-2004 rejected the application for stay. Aggrieved by the same, this writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader appearing for respondents.

Learned counsel for the petitioner submitted that all the allegations made against the petitioner are false and without any basis and at any rate they are trivial in nature and therefore the order of suspension, pending enquiry is not at all warranted and that the first respondent has erred in rejecting the application for stay without referring to anyone of the grounds raised in the appeal.

A perusal of the order dated 26-08-2004 shows that the first respondent-Joint Collector, Prakasam District, has rejected the stay pending the statutory appeal, without reference to anyone of the contentions raised in the Appeal and without assigning any reasons in support of his conclusion. Particularly, the 1st respondent ought to have considered the issue whether the order of suspension, pending

enquiry into the allegations is warranted in the facts and circumstances of the case.

In the circumstances, I am of the view that the matter requires reconsideration. Accordingly, the order dated
26-08-2004 is set aside and the first respondent-Joint Collector, Prakasam District is directed to consider the application for stay afresh and to pass appropriate orders in accordance with law as expeditiously as possible preferably within a period of one week from the date of receipt of this order. In the meanwhile, in view of the specific plea of the petitioner that he has already paid the necessary amounts for release of the stocks for the month of August, 2004 and that so far no alternative arrangements have been made and the stocks have not been released to any other dealer for distribution to the card holders, there shall be a direction to the respondents 2 and 3 to release the commodities to the petitioner for the month of August only.

With the above directions writ petition is disposed of. No costs.

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31-08-2004

Note: Issue C.C. by tomorrow

B/o

klp

To

1 The Joint Collector, Ongole, Prakasam Dist.
2 The R.D.O.,Kandukur, Prakasam Dist.
3 The Mandal Revenue officer, Jarugumalli Mandal, Prakasam Dist.

4 2CCs to G.P. for Civil Supplies, High Court buildings,

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